

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT RODRIGUEZ	)	
	)	
v.	)	Civ. No. 04-11869-NMG
	)	
UNITED STATES	)	

**RESPONDENT'S MOTION TO ENLARGE TIME TO RESPOND TO SECTION 2255**

Now comes the United States of America, by its attorneys, Michael J. Sullivan, United States Attorney, and David Hennessy, Assistant U.S. Attorney, and hereby moves to enlarge the time to respond to a petition filed in the above-referenced case for relief under 28 U.S.C. § 2255.

As grounds therefor, the government states as follows:

1. On August 2, 2002, this Court entered a judgment against Robert Rodriguez based on his guilty plea to Conspiracy to distribute cocaine base, in violation of 21 U.S.C. § 846, and sentenced him to a term of 188 months imprisonment.

2. Rodriguez appealed and the Court of Appeals for the First Circuit affirmed the judgment.

3. In August 2004, Rodriguez moved to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. By order dated March 22, 2005, this Court ordered the government to respond within 20 days of receipt of the Court's Order.

4. Counsel for the government requests an additional 90 days to respond. Counsel must obtain Rodriguez's file from the location to which it was shipped for storage, and re-familiarize

himself with the matter.

5. In addition, counsel has three appellate briefs due in the next six weeks: United States v. Juan Quinones, 03-1061, due on April 8, but subject to a motion by the government to enlarge the time for a response to May 6; United States v. Ruben Salas, 04-1545, due on April 20, 2005, and United States v. Adalberto Robles, 03-1494, due on April 27, 2005.

6. Rodriguez is currently serving a sentence of 188 months. The government respectfully submits that allowing this motion will not adversely affect his rights.

7. No prior motion for a continuance has been made.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/David Hennessy  
David Hennessy  
Assistant U.S. Attorney

ss. Worcester

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by U.S. Mail on this        day of April, 2005 on Robert Rodriguez, Federal Correctional Institute, P.O. Box 7000, Fort Dix, New Jersey, 08640.

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David Hennessy  
Assistant U.S. Attorney